



Attorney's Docket No. 5175-92IP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER
APPROVED

In re: Hebrank et al.

Examiner: A. Merlino

Serial No.: 09/008,664

Art Unit: 2877

Filed: 16 January 1998

For: METHOD AND APPARATUS FOR

SELECTIVELY INJECTING POULTRY EGGS

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See Page 2
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Date: 19 November 1998

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Assistant Commissioner for Patents
Washington, DC 20231

#1

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TERMINAL DISCLAIMER (37 C.F.R. § 1.321(b))

IDENTIFICATION OF PERSON(S) MAKING THIS DISCLAIMER

I, Virginia C. Bennett, represent that I am an attorney of record for this invention (US Patent Application SN 09/008,664).

The extent of interest in this invention for which this disclaimer is being made is in the whole of this invention.

A check in the amount of \$55.00 to cover the fee required under 37 CFR 1.20(d) is enclosed. Small entity status has previously been established and is still proper (Verified Statement Claiming Small Entity Status submitted 20 May 1998).

IDENTITY OF ASSIGNEE

The assignee is

Name of assignee Embrex, Inc.

Address of assignee Post Office Box 13989

Research Triangle Park, North Carolina 27709

The assignment was recorded on 26 May 1998

Reel 9209, Frame 0823

I, Virginia C. Bennett, am an attorney of record of the disclaimant, Embrex Inc., and am authorized to execute this disclaimer on behalf of Embrex. The disclaimant, Embrex, having a principal place of business at Research Triangle Park, North Carolina, is the owner of all right, title,

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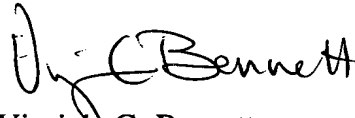
and interest in the above-identified application, by Assignment filed 26 May 1998 and recorded at Reel 9209, Frame 0823.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 5,745,228 (corresponding to United States Application Serial No. 08/785,689 filed 17 January 1997), entitled *Method and Apparatus for Distinguishing Live from Infertile Poultry Eggs*, which patent was assigned to the above-identified disclaimant by an Assignment recorded on 31 March 1997 and recorded at Reel 8577, Frame 0132.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,745,228, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 5,745,228 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Virginia C. Bennett
Registration No. 37,092

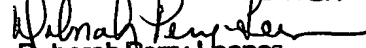
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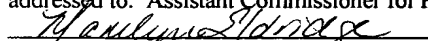
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CERTIFICATE OF MAILING

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Deborah Perry-Leeper
Paralegal Specialist
Technology Center 2800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on 19 November 1998


Marilyn Eldridge
Date of Signature: 19 November 1998